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Proposed Priority

Clean Air Act/New Source Review/Prevention of Significant Deterioration (NSR/PSD)

Universe and Types of Facilities

This current priority includes major sources of air pollution, including electric utilities, refineries, pulp and paper mills, wood product manufacturing, steel mills, chemical manufacturing plants, and other large industrial facilities. EPA believes that the number of facilities that should have obtained NSR and PSD permits is over 1,000. Many thousands more have obtained permits that limit their emissions in order to be classified as "synthetic minors," but if they are not meeting their permit conditions they would have triggered NSR or PSD review. A smaller but potentially substantial number of additional sources have bypassed the permitting process entirely (either through ignorance or deliberate deception). Investigation of these sources, involving a thorough review of internal company documents, often reveals that the sources are, in fact, subject to NSR and PSD requirements.

Geographic Range

PSD programs apply throughout the Nation. NSR programs apply in all areas that are not in attainment of the National Ambient Air Quality Standards (NAAQS), or that have plans for maintenance of those standards after being reclassified from nonattainment status.

Environmental Risks

The PSD and NSR programs directly control emissions of criteria air pollutants, and the PSD program requires sources to address a number of toxic air pollutants. Criteria air pollutants, which include ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, particulate matter and lead, have been identified by EPA as having chronic and acute effects on public health and welfare.

Noncompliance Information

NSR requirements in the Clean Air Act (CAA) are intended to ensure that the construction of new sources or modification of existing sources does not jeopardize the attainment of National Ambient Air Quality Standards (NAAQS) in nonattainment areas. PSD requirements ensure that areas with relatively clean air are not significantly degraded by the influx of new air pollution sources. Both PSD and NSR requirements can add substantial costs to the construction or operation of new sources, thereby creating an incentive for sources to avoid permit review by state or federal authorities. In addition, some sources may have unintentionally violated these requirements due to misunderstandings of the applicable law. Avoidance of the required review results in inadequate control of emissions, thereby contributing thousands of unaccounted tons of pollution each year, particularly of Nitrogen Oxides (NOx), Volatile Organic Compounds (VOC),

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Sulfur Dioxide (SO₂) and Particulate Matter (PM). These emissions worsen problems in non-attainment areas and threaten to drive attainment areas into non-attainment. A review of permitting history over the past few years indicates that states are issuing very few PSD or NSR approvals, despite the fact that trade association journals and economic indicators show that industrial facilities have significantly increased their production and modified their processes to a degree that should have triggered many PSD and NSR actions.